

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TYLER M., on behalf of TODD M. (deceased),)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-02316-MJD-JRS
)	
KILOLO KIJAKAZI, Acting Commissioner of)	
Social Security,)	
)	
Defendant.)	


ORDER ON MOTION TO REMAND

This matter is before the Court on Defendant's Motion to Remand [Dkt. 16] and Plaintiff's Unopposed Motion to File Sur-Reply to Defendant's Reply [Dkt. 21]. Both motions are **GRANTED**. The Court has considered Plaintiff's surreply, found at Dkt. 21-2, in making this ruling.

The Commissioner's decision is **REVERSED** and this case is **REMANDED** for a *de novo* determination regarding (1) Dr. French's opinion relating to Claimant's ability to stand and walk and (2) Step 5. The ALJ shall either (1) award benefits; (2) hold a new hearing; or (3) provide Plaintiff with notice that he or she does not intend to hold a new hearing and the opportunity to submit arguments and evidence prior to the ALJ's entry of a new decision.

SO ORDERED.

Dated: 27 AUG 2021



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

Service will be made electronically on all ECF-registered counsel of record via email generated by the Court's ECF system.